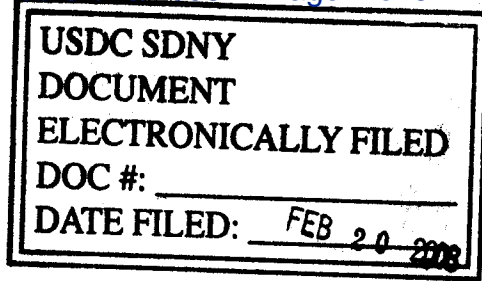


JUDGE SWAIN



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

EUGENIO DIAZ,
a/k/a "Nino,"
DOMINGO DIAZ, and
JOSE BIENVENIDO,
a/k/a "Chepe,"

Defendants.

INDICTMENT

08 Cr.

08 CRIM 140

COUNT ONE

The Grand Jury charges:

1. From in or about July 2007, through in or about September 2007, in the Southern District of New York and elsewhere, EUGENIO DIAZ, a/k/a "Nino," DOMINGO DIAZ, and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that EUGENIO DIAZ, a/k/a "Nino," DOMINGO DIAZ, and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

3. It was further a part and an object of the conspiracy that EUGENIO DIAZ, a/k/a "Nino," DOMINGO DIAZ, and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(C) of Title 21, United States Code.

OVERT ACTS

4. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about July 12, 2007, DOMINGO DIAZ, the defendant, received approximately \$3,000.00 from an undercover officer (the "UC") in exchange for approximately 100 grams of cocaine, inside of 1010 East 178th Street, Bronx, New York.

b. On or about July 26, 2007, EUGENIO DIAZ, a/k/a "Nino," and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, delivered approximately 100 grams of cocaine to the UC in exchange for approximately \$3,000.00, in and around 1010 East 178th Street, Bronx, New York.

c. On or about August 9, 2007, the UC met with EUGENIO DIAZ, a/k/a "Nino," DOMINGO DIAZ, and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, in Apt. 11E of 1010 East 178th Street, Bronx, New York, and paid approximately \$3,000.00 in

exchange for approximately 100 grams of cocaine.

d. On or about September 4, 2007, the UC met with EUGENIO DIAZ, a/k/a "Nino," DOMINGO DIAZ, and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, in Apt. 11E of 1010 East 178th Street, Bronx, New York, and paid approximately \$4,350.00, plus an additional amount to be paid later, in exchange for approximately 165 grams of crack.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

5. On or about September 4, 2007, in the Southern District of New York, EUGENIO DIAZ, a/k/a "Nino," DOMINGO DIAZ, and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATIONS AS TO COUNTS ONE AND TWO

6. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, EUGENIO DIAZ, a/k/a "Nino," DOMINGO DIAZ, and JOSE BIENVENIDO, a/k/a "Chepe," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or

derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including but not limited to proceeds obtained as a result of the offenses described in Counts One and Two of this Indictment.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

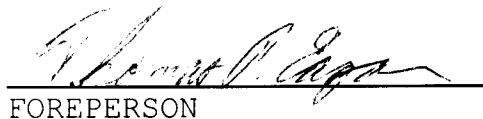
c. has been placed beyond the jurisdiction of the Court;


d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. §853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA *DMR*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

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(Title 21, United States Code,
Sections 812, 841(a)(1),
841(b)(1)(A), and 846; Title 18, United
States Code, Section 2)

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL.

Thomas P. Egan
Foreperson.

*Indictment filed, case assigned
to Judge Swain*

F. Moas, USMT

*RC
Thayer*